

Remarks/Arguments

This paper and the accompanying Request for Continued Examination (RCE) are being submitted in response to the Final Office Action dated May 19, 2004, and subsequent Advisory Action dated October 18, 2004 having a shortened statutory period set to expire on October 18, 2004, extended to November 18, 2004, wherein:

Claims 1-14 and 17-85 were previously pending in the application;

Claims 1, 7-14, 17, 18, 24, 30, 36-49, 51-59, 61-69, 71-79, and 81-85 were rejected; and

Claims 2-6, 19-23, 25-29, 31-35, 50, 60, 70, and 80 were objected to and are presumed as being allowable and objected to as being dependent on rejected base claims.

Claims 1-3, 7, 12, 13, 18-20, 24-26, 30-32, 36, 37, 44-48, 50, 52-58, 60, 62-68, 70, 72-78, 80, and 82-85 have been amended, claims 38 and 39 have been canceled, and no new claims have been added by the current amendment. Accordingly, claims 1-14, 17-37, and 40-85 are currently pending in the present application.

Formal Matters

Applicants wish to express their appreciation for the Examiner's indication of allowability as to Applicants' claims 2-6, 19-23, 25-29, 31-35, 50, 60, 70, and 80.

Advisory Action – October 18, 2004

Applicants further wish to acknowledge the Advisory Action dated October 18, 2004 and to thank Examiner Tran for the careful consideration exhibited therein. In light of both the Final Office Action and the Advisory Action, Applicants have made amendments herein for the purposes discussed below. Applicants respectfully submit that in light of the amendments, all pending claims are in condition for allowance.

More specifically, in the Advisory Action dated October 18, 2004, claim 2 was indicated as being objected to but presumably allowable if rewritten in independent form. In accordance with the Examiner's indication of allowable subject matter, Applicants have amended claim 1 to include substantive limitations or elements of previously pending claim 2, reciting, as amended,

a method of communicating a data stream through a telecommunications system comprising,
inter alia,

excluding said each of said second plurality of words from said backplane parity
 value calculation if said each of said second plurality of words is
 determined to be said relock word.

Applicants respectfully submit that such “excluding” is not taught, shown, or suggested by the Examiner’s cited portions of U.S. Patent No. 5,357,249 issued to Azaren, et al. (hereinafter, “*Azaren*”) and that accordingly, and in light of the Examiner’s indication of allowability as to Applicants’ previously pending claim 2, Applicants’ claim 1 as presented is allowable.

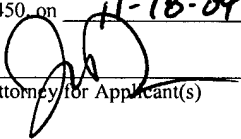
The Advisory Action dated October 18, 2004 further states, in response to Applicants’ previous argument that, “Azaren fails to disclose the limitation ‘each of said second plurality of words, if said each of said second plurality of words is said relock word,’” that *Azaren* discloses, “data frames received by the OCON having bits for synchronization (plurality of relock words), figure 3.” While it is unclear from the quoted passage which of Applicants’ previous arguments the Examiner intends to indicate, Applicants will assume for purposes of this response that the argument presented by Applicants on pages 23 (lines 20-26) and 24 (lines 9-16) was intended. More specifically, Applicants’ argument that, as the Examiner has indicated Applicants’ claimed “second plurality of words” are anticipated by *Azaren*’s “serial optical signals” and cited portions of *Azaren* which teach, at most, the identification of a synchronization bit pattern with respect to distinct parallel digital data signals, *Azaren* may not be construed as teaching, “determining if said each of said second plurality of words is said relock word” as claimed.

Accordingly, Applicants believe the Examiner has intended to indicate that the presence of a sync bit within a bit pattern of serially transmitted data (*Azaren*, Figure 3) teaches, shows, or suggests the determination of whether each of a second plurality of words is a relock word as claimed. Applicants respectfully disagree. Applicants submit that the mere existence of a sync bit within serially transmitted data (e.g. serial optical signals) fails to indicate, in any way, the manner, if any, in which such a synchronization bit is utilized and/or identified. Consequently, Applicants submit that a *prima facie* case of neither anticipation nor obviousness has been established with respect to Applicants’ claims.

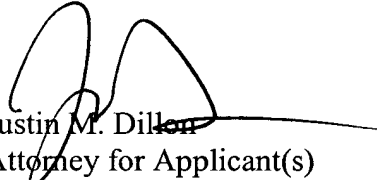
For at least the foregoing reasons, Applicants submit that Applicants' claim 1, as presented, is allowable over *Azaren* and request that the Examiner's current rejection(s) be withdrawn. Applicants' claims 7, 18, 24, 30, 36, 46, 56, 66, and 76 each contain one or more limitations substantially similar to those described with respect to Applicants' claim 1 and are therefore allowable for at least those reasons stated for the allowability of claim 1. All remaining claims, depending directly or indirectly from Applicants' claims 1, 7, 18, 24, 30, 36, 46, 56, 66, and 76 are similarly allowable over *Azaren* for at least the reasons stated herein.

CONCLUSION

Applicant(s) submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop <u>RCE</u> , Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on <u>11-18-04</u> .	
 _____ Attorney for Applicant(s)	<u>11-18-04</u> _____ Date of Signature

Respectfully submitted,


 Justin M. Dillon
 Attorney for Applicant(s)
 Reg. No. 42,486
 Telephone: (512) 439-5097
 Facsimile: (512) 439-5099